



Testimony in Support of House Bill 3372 with –1 Amendment
House Committee on Energy and Environment

Speaker of the House Tina Kotek
March 22, 2021

Chair Marsh and members of the committee, thank you for the opportunity to testify this afternoon in support of House Bill 3372 with the -1 amendment.

On March 12, 2018, a five-alarm fire at an auto dismantler known as NW Metals in the Cully neighborhood in Northeast Portland destroyed four homes, killed at least 16 pets and sent plumes of toxic smoke into the air. During the 2019 session, Senator Lew Frederick and I sponsored legislation to allow more oversight of auto dismantling operations. Still, more must be done to ensure problem operators like NW Metals do not continue to operate if they have a history of violating environmental laws and endangering public safety.

NW Metals has now moved to another location in the St. Johns neighborhood within my district, only one block from a public park. The community near the new location has been disproportionately impacted by air pollution and has many low-income households and residents of color. Residents are concerned because NW Metals has continued to demonstrate their unwillingness to comply with the Department of Environmental Quality's orders. The facility refused to voluntarily comply with the DEQ's cleanup order and committed additional violations even after the agency pursued legal action. Community members have overwhelmingly asked the DEQ to deny its current air permit application, given the long history of violations and non-compliance with agency orders.

However, the DEQ does not believe it has the authority to deny air quality permits based on past violations or history of non-compliance with permits, rules, or laws related to other environmental protection programs. Even if a facility has a long and pervasive history of violating solid waste, storm water or other environmental regulations, the agency believes it still must issue the air quality permit or risk litigation.

Businesses that repeatedly violate our air quality and other environmental standards put our communities in danger. The DEQ should have the authority to deny permits based on multiple past violations so we can prevent avoidable catastrophes like the 2018 fire at NW Metals.

House Bill 3372 with the -1 amendment will give the DEQ the authority to:

- Require applicants to submit documentation sufficient for the department to evaluate its compliance history with environmental quality laws;
- Collect this additional information about all parties associated with the applicant; and

- Consider the information provided when making a ruling to approve or deny an air permit or license.

The agency would also be required to consider whether the cause of a violation was intentional, knowingly committed, or reckless.

The DEQ currently has the authority to revoke the air permit if NW Metals does not comply with conditions of their current permit. This bill would not be retroactive but rather would apply to future applications, thus helping to prevent future environmental disasters.

Thank you for your time and attention.